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FACSIMILE COVER SHEET

Date: May 12, 2005

Fax Number:.....1-703-872-9306

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MESSAGE : Attn: Examiner: Brian A. Whiteman

Group Art Unit: 1635

PTO Phone Number: 571.272.0595

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper for Serial No. 09/801,371 is being facsimile transmitted to the Patent and Trademark Office on the date indicated below.

Lisa B. Kole

  
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35,225

PTO Reg. No.

May 12, 2005

Date

(TO BE COMPLETED IN DUPLICATE)

File Number: A34084-PCT-USA-A (06603|0147)

NY02:519666.1

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0561-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/801,371
Filing Date	March 7, 2001
First Named Inventor	Kaempfer
Art Unit	1635
Examiner Name	Whiteman, Brian
Attorney Docket Number	A34084-PCT-USA-A 068031.0147

**ENCLOSURES (Check all that apply)**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify<br>below):<br>return receipt postcard |
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Baker Botts LLP	Customer No.	21003
Signature	<i>Rochelle K. Seide</i>		
Printed name	Rochelle K. Seide		
Date	01/26/2005	Reg. No.	32,300

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name	Rochelle K. Seide	Date	01/26/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/BB/17 (10-04)

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**FEE TRANSMITTAL  
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 0

**Complete If Known**

Application Number	10/801,371
Filing Date	March 7, 2001
First Named Inventor	Kaempfer
Examiner Name	Whitman, Brian
Art Unit	1635
Attorney Docket No.	A34084-PCT-USA-A 066031.0147

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:  
 Deposit Account Number: 02-4377  
 Deposit Account Name: Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

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**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1001	2001	Utility filing fee	
1002	2002	Design filing fee	
1003	2003	Plant filing fee	
1004	2004	Reissue filing fee	
1005	2005	Provisional filing fee	

SUBTOTAL (1) (\$ 0

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
-20 =	X	=0	
-3 =	X	=0	
Multiple Dependent		=0	

Large Entity Fee Code	Small Entity Fee Code	Fee Description
1202	2202	Claims in excess of 20
1201	2201	Independent claims in excess of 3
1203	2203	Multiple dependent claim, if not paid
1204	2204	** Reissue independent claims over original patent
1205	2205	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity - Small Entity

Fee Code	Fee Code	Fee Description	Fee Paid
1051	2051	Surcharge - late filing fee or oath	
1052	2052	Surcharge - late provisional filing fee or cover sheet	
1053	2053	Non-English specification	
1812	1812	For filing a request for ex parte reexamination	
1804	1804	Requesting publication of SIR prior to Examiner action	
1805	1805	Requesting publication of SIR after Examiner action	
1251	2251	Extension for reply within first month	
1252	2252	Extension for reply within second month	
1253	2253	Extension for reply within third month	
1254	2254	Extension for reply within fourth month	
1255	2255	Extension for reply within fifth month	
1401	2401	Notice of Appeal	
1402	2402	Filing a brief in support of an appeal	
1403	2403	Request for oral hearing	
1451	1451	Petition to institute a public use proceeding	
1452	2452	Petition to revive - unavoidable	
1453	2453	Petition to revive - unintentional	
1501	2501	Utility issue fee (or release)	
1502	2502	Design issue fee	
1503	2503	Plant issue fee	
1480	1480	Petitions to the Commissioner	
1807	1807	Processing fee under 37 CFR 1.17(q)	
1808	1808	Submission of Information Disclosure Stmt	
8021	8021	Recording each patent assignment per property (times number of properties)	
1809	2809	Filing a submission after final rejection (37 CFR 1.128(a))	
1810	2810	For each additional invention to be examined (37 CFR 1.129(b))	
1801	2801	Request for Continued Examination (RCE)	
1802	1802	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0

**SUBMITTED BY**

Name (Print/Type)

Rochelle K. Seide

Registration No. (Attorney/Agent)

32,300

(Complete if applicable)

Telephone

212-408-2500

Signature

Rochelle K. Seide

Date

01/28/2005

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FILE NO. A34084-PCT-USA-A/ 066031.0147  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kaempfer et al.  
Serial No. : 09/801,371 Examiner : Whiteman, Brian A.  
Filed : March 7, 2001 Group Art Unit: 1635  
For : REGULATION OF GENE EXPRESSION THROUGH  
MANIPULATION OF mRNA SPLICING AND ITS USES

## AMENDMENT

I hereby certify that this paper is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

January 26, 2005  
Date of Deposit

Rochelle K. Seide  
Attorney Name

Signature

32,300  
Registration No.

January 26, 2005  
Date of Signature

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is being filed in response to the Office Action dated October 27, 2004.

Applicants respectfully request reconsideration of the above-identified application in light of the  
amendments and remarks presented herein.

Amendments to the Claims are reflected in the listing of claims which begins on  
page 2 of this paper.

**BEST AVAILABLE COPY**

NY02:510508.1